

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2005/000242

International filing date (day/month/year)  
24.01.2005

Priority date (day/month/year)  
23.01.2004

International Patent Classification (IPC) or both national classification and IPC  
G07F17/32

Applicant  
THOMAS ESTATES LIMITED

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Verhoef, P

Telephone No. +31 70 340-4235



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
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**Box No. 1 Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-44
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-44
Industrial applicability (IA)	Yes: Claims	1-44
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Clarity of the claims**

Although claims 1, 2, 37, 38, 39, 40, 41, 43 and 44 have been drafted as separate independent claims in the same category, they appear to relate effectively to the same subject matter and to differ from each other only with regard to the definition of the subject matter for which protection is sought and/or in respect of the terminology used for the features of that subject matter.

The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 1, 2, 37, 38, 39, 40, 41, 43 and 44 do not meet the requirements as laid down in Article 6 PCT and Rule 6 PCT.

**2. State of the art**

Reference may be made to the following documents:

- D1: US 2002/037763 A1 (IDAKA MITSUHIRA) 28 March 2002 (2002-03-28)  
D2: EP-A-1 199 690 (WMS GAMING INC) 24 April 2002 (2002-04-24)

**3. Inventive step – Articles 33(1) and 33(3) PCT**

- 3.1** The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claims 1 - 44 does not involve an inventive step in the sense of Article 33(3) PCT.
- 3.2** Document D1 discloses (please cf. paragraph 2) that gaming machines are employed

which artificially reproduce a gambling game, such as roulette, by executing a suitable computer program. Furthermore, document D1 discloses a certain configuration (please cf. figure 2 and paragraphs 59 and 60) comprising a central monitor, a plurality of gaming stations having a touch screen and a token insertion slot.

Furthermore, document D2 discloses (please cf. paragraphs 2 and 3) a remote gaming player accessing the home gaming establishment by use of the Internet.

- 3.3 The examiner considers that the features which distinguish the subject matter of the independent claims from the disclosure of document D1 are not such as to give rise to technical considerations or to provide any technical effect on which an inventive step in the sense of Article 33(3) PCT can be based. On this point reference is made to the Board of Appeal decision T641/00 - 3.5.1, in particular Reasons 13 - 15, which exclude features related to non-inventions within the meaning of Rule 39.1(iii) PCT appearing in the claim to be a basis for an inventive step.

Therefore, the subject matter of the independent claims 1, 2, 37, 38, 39, 40, 41, 43 and 44 do not comply with the requirements as set forth in Article 33(1) and 33(3) PCT.

- 3.4 The dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, because their definition comes within the scope of the customary practice followed by the persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. They present no surprising or unexpected effect to the person skilled in the art, since the known devices are being employed in a conventional manner. Consequently, the subject matter of these dependent claims also lack an inventive step.

Therefore, the subject matter of the dependent claims is not inventive as is required by the Article 33(1) and 33(3) PCT.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

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